

### **REMARKS**

Claims 1-13 are all the claims pending in the application. By this Amendment, Applicant editorially amends claim 1. The amendments to claim 1 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. In addition, Applicant adds claims 12 and 13, which are clearly supported throughout the specification.

#### **I. Preliminary Matters**

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and for indicating receipt of the certified copy of the priority document. Applicant thanks the Examiner for returning the initialed forms PTO/SB/08 submitted with the Information Disclosure Statements filed on March 10, 2004, August 2, 2004 and December 29, 2005. Applicant further thanks the Examiner for indicating acceptance of the drawing figures filed on March 10, 2004.

#### **II. Summary of the Office Action**

The Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph and claims 1-11 under 35 U.S.C. § 102(b).

#### **III. Claim Rejections under 35 U.S.C. § 112**

The Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph. Applicant respectfully thanks the Examiner for pointing out, with particularity, the aspects of the claim thought to be indefinite. Applicant respectfully requests the Examiner to withdraw this rejection in view of the self-explanatory claim amendments being made herein.

IV. Claim Rejections under 35 U.S.C. § 102

Claims 1-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,803,854 to Adams et al. (hereinafter “Adams”). Applicant respectfully traverses these grounds of rejection in view of the following comments.

Independent claim 1 *inter alia* recites: “a user specifying type of at least one process element of the process system and start address of a memory module associated with the process element; and automatically completing the technology module by allocating at least one of a signaling element, an archive data element and a picture element to the process element.” The Examiner contends that claim 1 is directed to a method for configuring a technology module and is anticipated by Adams. In particular, the Examiner contends that Adams’ disclosure of selecting a controller anticipates the specifying operation as set forth in claim 1 and that Adams’ disclosure of the controller having first, second, and third function blocks anticipate the automatic completing operation as set forth in claim 1 (*see* page 3 of the Office Action). Applicant respectfully disagrees. Applicant has carefully studied Adams disclosure of monitoring and controlling remote devices, which lack specifying type of device and the start address of its memory module and automatically completing the controller by allocating various functional blocks.

Adams relates to a system and method for monitoring and/or remotely controlling stationary and/or mobile apparatuses such as various machinery and vehicles. In Adams, each machinery has a signaling apparatus/controller (MC) that communicates with a control center. The mobile apparatus has a first function block (BB) for measured-value detection, for monitoring and/or for producing an alarm in accordance with rules that can be predetermined, a second function block (BC) for storing application-specific data relating to the mobile apparatus

(MC), and a third functional block (BA) for position finding of the mobile apparatus (MS). The functional blocks communicate with the control center via at least two communication channels (B1, B2), with the first communication channel (B1) being intended for communication between a communication server in the control center and the second function block (BB) in the mobile apparatus (MC), and the second communication channel (B2) being intended for communication between a visualization system in the control center and the second function block (BB) in the mobile apparatus (MC) (*see* Abstract and col. 1, line 50 to col. 2, line 27).

With respect to selection of a mobile apparatus (MC), however, Adams discloses using a telephone book. In particular, in Adams, a telephone book or database is used for administration of all the information of how each controller (MC) can be accessed in the field, for example the communication service, addresses or subscriber number, for example mobile radio number. Further additional information is used to make it easier for a user to carry out a search; for example, it is easier for him to find an official vehicle license number and to select this than a controller ID. An operator can then deliberately select a controller explicitly by selecting a telephone book entry and double-clicking or pushing a key (col. 10, lines 37 to 46).

In Adams, however, it is disclosed that a controller (MC) is selected by a) selecting a book entry, b) selecting address, c) selecting subscriber number, or d) selecting vehicle license number. These possible methods for selection of a controller are provided in an alternative. That is, Adams does not disclose a user specifying both type of the controller and start address of the memory module associated with the controller. In other words, in Adams, one technique for selecting a controller is used and both, the type and the start address of the controller are not specified. In addition, in Adams, the user selects a controller and not type of the controller. By way of an analogy, the user selects a car with a unique license plate and not the type of cars *i.e.*,

Toyota. Furthermore, Adams discloses selecting a physical address of the controller (MC) and not address of a memory module associated with the controller. In other words, in Adams, the user may select the address of the controller and not the address of its memory module.

Adams also discloses that the MC controller may have various functional blocks such as the block (BB) for measured-value detection, a block (BC) for storing application-specific data relating to the mobile apparatus, and a block (BA) for position finding of the mobile apparatus (MS). However, Adams does not disclose creating the controller by allocating these functional blocks. Adams discloses an existing controller with existing functional blocks. Adams does not disclose or suggest creating or automatically completing the controller by allocating various functional blocks. In Adams, for example, the functional blocks may be preprogrammed by the user. In any event, Adams only discloses having a controller with existing functional blocks.

In short, Adams fails to teach creating or automatically completing the controller by allocating various functional blocks. Accordingly, the rejection is improper as it lacks “sufficient specificity” required under 102. “[A]nticipation under § 102 can be found only when the reference discloses exactly what is claimed and that where there are differences between the reference disclosure and the claim, the rejection must be based on § 103 which takes differences into account.” *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985); MPEP § 2131.

Therefore, “a user specifying type of at least one process element of the process system and start address of a memory module associated with the process element; and automatically completing the technology module by allocating at least one of a signaling element, an archive data element and a picture element to the process element,” as set forth in claim 1 is not disclosed by Adams, which lacks a) specifying both the type and address of the controller, b)

specifying the type as opposed to a particular unique controller, c) specifying the start address of the memory module of the controller, and d) automatically creating or completing the controller by allocating various functions to the controller. For at least these exemplary reasons, claim 1 is patentably distinguishable from Adams. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 2-11.

In addition, dependent claim 7 recites: “modifying the allocation of the signaling element, archive data element or picture element to the individual types of process elements.” The Examiner contends that Adams in col. 5, line 56 to col. 6, line 5 disclose the unique features of claim 7 (*see* page 4 of the Office Action). Applicant respectfully disagrees. Col. 5, line 56 to col. 6, line 5 of Adams recites:

An optimum display of the information transmitted from the data acquisition apparatus MC to the control center 15 is facilitated by installing in the computer device 22 a software packet which is based, for example, on the WinCC control and monitoring system from Siemens or an OPC (OLE for Process Control) based system, or on operating systems such as Windows. This also optimizes the administration, for example of the incoming alarm messages. Furthermore, specific information for vehicles F1 . . . Fn, such as traffic radio, routing, date and/or order data etc., can be transmitted on a vehicle-specific basis or fleet-specific basis from the control center. The rules in the data acquisition apparatus MC for detection and transmission of input signal data to the control center are stored in the data acquisition apparatus MC in such a way that the rules can be loaded remotely from the control center 15 to the data acquisition apparatus MC via the air interface 9.

As is visible from the above-quoted passage of Adams, there is no disclosure or suggestion of modifying the functional blocks (alleged signaling element, archive data element, or picture element) to a particular type of controller (alleged types of process elements). For at least these additional exemplary reasons, claim 7 is patentably distinguishable from Adams.

V. New Claims

In order to provide more varied protection, Applicant adds claims 12 and 13, which are patentable by virtue of their dependency and for additional features set forth therein.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. **If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below to set up an Interview.**

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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